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# CITY OF OAKLAND



8/13/96

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Office of City Manager  
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April 30, 1996

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PUBLIC SAFETY/HEALTH and HUMAN SERVICES COMMITTEE  
Oakland, California

UNIVERSITY OF CALIFORNIA

Subject: Informational Report from the Office of the City Manager and  
Director of Police Services Pertaining to the Disturbance On  
April 20, 1996 At the Eastmont Pavilion in Eastmont Mall

Chairperson Miley and Members of the Committee:

## SUMMARY

Eugene Cockerham and Sundjata Kone, Oakland residents and promoters, were orally denied a permit to hold a special event at the Eastmont Pavilion by the Police Department. The denial was based upon a review of past similar events held in the City of Oakland and the City of San Leandro. The promoters appeal to the City Manager's Office to overturn the decision of the Police Department was granted based upon 1) the financial costs already incurred by the promoter prior to the permit being approved; 2) their response to other negative events as created by small facilities; and, 3) their willingness to pay for over sixty (60) security officers/monitors inside of the event and twenty-three (23) police officers to control the outside of the event.

The event was scheduled to be held from 7:00 p.m. to 1:00 a.m. However, at about 10:30 p.m., a disturbance was created by patrons in response to the actions of the promoter and private security personnel. For the next several hours, there were sporadic reports and incidents of bottles and rocks being thrown at police and security personnel; weapons being fired in the air; persons being physically assaulted; trash container contents being set afire; reckless, dangerous driving; and, traffic gridlock. Due to the size of the crowd, estimated to be 5,000 persons or more at its peak, additional officers were called in to assist in the establishment of peace and order. Two arrests were made: one for assault with a deadly weapon on a police officer, and one for reckless driving. By 2:30 a.m., officers were able to restore order but continued to respond to citizen calls for assistance until 4:00 a.m. on April 21, 1996. Throughout this ordeal, police officers assigned

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or responding to the incidents exhibited proper restraint and professional actions and behavior. Numerous special events have been held at the Eastmont Pavilion in the past based upon permits issued by the Police Department or sustained appeals by the City Manager's Office. Although disturbances have occurred at several of these events, such disturbances were minor and did not require the level of police response required by this event. Notwithstanding the failures of non-City personnel and the behaviors of some of the patrons, staff is currently reviewing the special event permit process and ordinance to refine the procedures pertaining to such permits. A staff report on proposed changes to the permit process will be made to the Committee in May or June, 1996. During the interim, weekly meetings will be held between pertinent staff and managers of major entertainment facilities to discuss planned events in the City of Oakland.

## **BACKGROUND**

Section 3-6.10 of Article 6 of Chapter 3 of the Oakland Municipal Code, which pertains to gatherings and meetings, establishes the criteria for the issuance and denial of such permits. This section also states such permits shall be issued at the discretion of the Chief of Police. However, while no formal appeal process is provided in this section, an appeal process to the City Manager is clearly reflected in other sections under Article 6. It has been the custom and practice of numerous applicants to make informal appeals to the Office of the City Manager, and the Administrative Hearing Officer usually hears such appeals on behalf of the City Manager.

Under the present process, a person desiring a special event permit would contact the Police Department Special Event Coordinator. After the submission of an application, this officer usually discusses the application with his supervisor prior to making a decision to grant or deny. After this consultation, the applicant is informed verbally of the Police Department's decision. In many instances, informal appeals are made to the City Manager's Office to overturn the denial decision of the Police Department.

In the consideration of these appeals, the Hearing Officer reviews the factors cited by the Police Department in its denial against the grounds set forth in Section 3-6.10 for the denial of a special event permit. Additionally, the Hearing Officer considers the grounds cited by the appellant in support of his or her appeal. In reaching a determination, the Hearing Officer weighs the evidence and tries to balance the interests of the Police Department, the appellant, and the general public. In cases where the appeal is sustained, the Police Department and appellant are provided with written notice of the determination and the reasons for such. In cases where the appeal is not sustained, the appellant and Police Department are given verbal notice of the decision and the reasons for such.





Presented below is a summary of why the permit was issued for this event, problems that occurred at the event, action taken by the Police Department, and staff's recommendation to avert similar disturbances at special events in the future

### ISSUANCE OF PERMIT

Eugene Cockerham and Sundjata Kone spoke with Miguel Flores about promoting an event at Eastmont Pavilion, and it was decided that Miguel Flores (Coordinator of Events at the Eastmont Pavilion) would formally file the application for a special event permit. Mr. Cockerham and Mr. Kone believed that the Police Department would not grant them a special event permit based upon their promotion of dance events at Club Faces (a former cabaret located at 2021 Fruitvale Avenue) which adversely impacted the surrounding neighbors and public peace and order. Mr. Flores filed the application, but the Police Department denied the permit after ascertaining that Mr. Cockerham and Mr. Kone were the actual promoters. This determination was verbally related to Mr. Cockerham and Mr. Kone, who made an informal appeal to the City Manager's Office to overturn the denial.

The designated Hearing Officer spoke with Mr. Cockerham and Mr. Kone who related that they believed a special event permit would be issued as long as Miguel Flores was the applicant. They further related that they had paid \$10,000 to the Dawg Pound (the musical group hired to perform), and were prepared to pay \$9,547.76 for the twenty-three (23) police officers quoted by the Police Department as required for traffic and crowd control. Additionally, they agreed to hire thirty (30) security officers from Intervention Agency, a licensed security firm in the City of Oakland, and have twenty (20) Nation of Islam members present as monitors to maintain control inside at the Pavilion.

Mr. Cockerham and Mr. Kone acknowledged their involvement in events in San Leandro, California which required a major police response. They further acknowledged the promotion of dances at Club Faces, and related that the facility was too small to accommodate the crowd of persons who wanted to attend their events. They related that persons who were unable to get into the events remained in the area creating adverse impacts on the community. The Police Department submitted a memorandum in opposition to the appeal of Mr. Cockerham and Mr. Kone, citing their involvement in negative events at Club Faces in Oakland and in the City of San Leandro.

Based upon the financial costs already incurred by the appellants, the commitment to Eastmont Pavilion by the promoters, an assessment that prior events were held at small facilities, and the hiring of thirty (30) security officers/20 Nation of Islam monitors, and twenty-three (23) police officers,

1. The first part of the paper discusses the importance of the study and the objectives of the research.

2. The second part of the paper discusses the methodology used in the study and the results of the research.

3. The third part of the paper discusses the conclusions of the study and the implications for future research.

4. The fourth part of the paper discusses the limitations of the study and the strengths of the research.

5. The fifth part of the paper discusses the future research and the implications for practice.

6. The sixth part of the paper discusses the conclusions of the study and the implications for future research.

7. The seventh part of the paper discusses the limitations of the study and the strengths of the research.

8. The eighth part of the paper discusses the future research and the implications for practice.

9. The ninth part of the paper discusses the conclusions of the study and the implications for future research.

10. The tenth part of the paper discusses the limitations of the study and the strengths of the research.

11. The eleventh part of the paper discusses the future research and the implications for practice.

12. The twelfth part of the paper discusses the conclusions of the study and the implications for future research.

13. The thirteenth part of the paper discusses the limitations of the study and the strengths of the research.

14. The fourteenth part of the paper discusses the future research and the implications for practice.



the appeal of Mr. Kone and Mr. Sundjata was sustained.

### Summary of Problems at the Event

Based upon reports from the Police Department and other persons at this event, the following problems occurred which led to the behaviors of some of the persons present for this event:

#### **Slow Body Searches by Security Officers**

About six officers from the Intervention Agency conducted full body searches for weapons of persons entering the Pavilion. These searches were conducted in a time-consuming manner with males in one line and females in another. This caused a substantial delay for patrons wanting to enter the event and created a state of uneasiness as many couples did not want to separate. A crowd of several thousand persons appeared for the concert/dance, and it appeared that additional security officers should have been used to help in the searches, which would have expedited the process. Prior to the start of the concert, representatives from the Police Department advised Mr. Kone and security personnel that at least ten guards should conduct the searches to avoid delays.

#### **Lack of Live Entertainment/Late Arrival**

The promoters did not provide any live entertainment for the patrons from 8:00 p.m. until 11:15 p.m. when a local band began to play music. Reportedly, the major act, the Dawg Pound, did not arrive until after midnight, and began its performance at about 1:00 a.m. Patrons who had paid to see the Dawg Pound apparently became upset at the promoters and demanded refunds.

#### **Action by the Police**

One police lieutenant, two sergeants, and twenty police officers were hired by the promoters to monitor and police activities outside of the event. However, due to the above cited problems, numerous persons from the large crowd engaged in acts of criminal conduct. Officers were called inside to respond to a fight where a person had been injured. Officers responded and called an ambulance to treat the injured person. Despite the large unruly crowd, police officers were able to clear and maintain a route for the responding ambulance.

As offenders in the crowd engaged in hit and run tactics of criminal conduct, officers responded to protect persons in the crowd and the public the best they could under the circumstances. Thirty-two (32) additional officers were called to the scene to help restore order. With a total of fifty-five (55) officers at the scene, it took several hours as there were thousands of persons at the scene. The crowd roamed the area in large numbers, around the mall and surrounding streets, ng

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RE: [illegible]

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committing acts of violence in the process.

Again, the officers present at this event showed great restraint and professionalism in dealing with the and unruly elements of the crowd. Notwithstanding the fact that officers were greatly outnumbered, they took sound tactical action to facilitate the restoration of order. Rocks and bottles were thrown at officers and their vehicles, and several officers suffered minor injuries and torn clothing. Two arrests were made at this event: one person for assaulting an officer with a deadly weapon, and one person for reckless driving.

A fatal traffic accident occurred at 47th Avenue and Bond Street where it appeared that the driver of a speeding vehicle was killed and two other passengers suffered serious injuries. There is not any apparent or established connection between the concert and the accident.

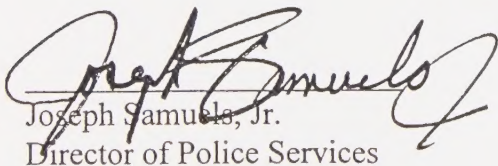
Staff's Recommendation

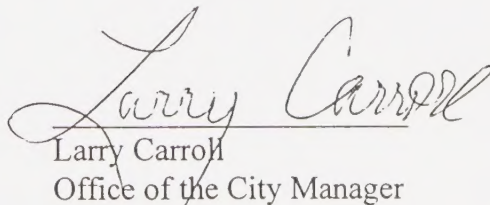
- The Committee accept this report and report it out to the full Council in two weeks.
- Direct the City Manager and City Attorney to review and revise the special events permit process via Municipal Code changes or ordinance, for Committee and Council action.
- Report back to the Committee at its meeting on June 4th.

Respectfully Submitted,

CRAIG G. KOCIAN  
City Manager

Prepared by:

  
Joseph Samuels, Jr.  
Director of Police Services

  
Larry Carroll  
Office of the City Manager





**CALLS RECEIVED ON 20APR96 FROM  
2100-0230 REGARDING INCIDENT AT THE  
EASTMONT MALL**

**5 calls from Eastmont Mall representatives (staff, security etc.) asking for assistance.**

**18 calls from citizens regarding people disturbing the peace.**

**21 calls from citizens regarding gun shots**

**7 calls from citizens regarding people fighting**

**26 calls from citizens regarding reckless driving**

**12 calls from citizens regarding two vehicle accidents, inclusive of the fatality.**

**3 calls from citizens regarding vandalisms**

**2 calls regarding a rape**

**1 call from a citizen regarding a car presenting a hazard in the street**

**1 call from a citizen reporting a battery**

**1 call from a citizen complaining how they were treated by police**

**TOTAL CALLS RECEIVED -- 97**





- I. **QUIET ZONES--EXTENT--SIGNS INSTALLED.** The resolution establishing a zone of quiet shall describe the extent of said zone of quiet, and upon the establishment thereof, the Department of Public Works is authorized to install and maintain appropriate signs to indicate the existence of said zone, provided that the expense of such installation and maintenance is paid by the institution making such request prior to such installation.
- J. **QUIET ZONES--USE OF SOUND AMPLIFYING EQUIPMENT PROHIBITED.** It is unlawful for any person to use or operate or permit the use of or operation of any sound amplifying equipment out-of-doors or indoors when used or operated to reach persons out-of-doors within any zone of quiet established by resolution of the City Council, provided that signs indicating the existence of such zone of quiet have been erected and are in place.
- K. **CONFLICTING ORDINANCES.** All ordinances, Oakland Municipal Code sections or parts of ordinances or Code sections in conflict with this Ordinance are hereby repealed.
- L. **PENALTIES.** Violation of any provision of this Ordinance constitutes an infraction. This Ordinance may be enforced by the method provided for in Article 3, Chapter 1 of the Oakland Municipal Code and Section 853.5 of the Penal Code of the State of California. This Ordinance shall be enforced by member of the Oakland Police Department.

(As amended by Ordinance No. 11200 C.M.S., passed March 27, 1990)

**SEC. 3-6.10 SPECIAL EVENTS.**

**SECTION 1. TITLE.** This section shall be known as the Oakland Special Events Ordinance.

**SECTION 2. PURPOSE.** This section establishes the procedures for applying for extraordinary police services for special events in the City of Oakland.

March 27, 1990





### SECTION 3. DEFINITIONS AS USED IN THIS SECTION.

- A. "Special Event" - Shall mean any event, enterprise or business venture that has as its purpose the sale of admission, services or products; or the future generation of monetary gain through advertisement, television or motion picture film production. Events sponsored by charitable organizations as defined in Chapter 3, Article 2 of this Code, are exempted from the definition of special events.
- B. "Applicant" - Shall mean any person, firm, association, corporation, organization, club or ad hoc committee who seeks a special event permit from the Chief of Police to conduct or sponsor a special event governed by this section. An applicant must be 18 years of age or older.
- C. "Chief of Police" - Shall mean the Chief of Police or his or her designee.
- D. "Permit Application Fee" - Shall mean the fee to be paid by the permit applicant at the time the application is filed with the Chief of Police. A fee schedule shall be set by the City Council and shall cover the actual full costs of processing and investigating special event applications, and administering the special events permit program.
- E. "Permittee" - Shall mean any person or organization who has been issued a special event permit by the Chief of Police.

### SECTION 4. APPLICATION PROCEDURE/FEE.

- A. Any person, firm or organization supporting, conducting or sponsoring a special event and requiring additional Police Department personnel for law enforcement and/or traffic control purposes at the event beyond that which would otherwise be required at that time, must apply to the Chief of Police for a permit thirty (30) days in advance of the special event. If the Chief of Police approves the application, he may assign such personnel to perform the additional police services in the number he determines necessary for the event.

April 7, 1987





- B. A special event application shall be made on a form provided by the Police Department. (See Section 6.) If the Chief of Police approves the application, he shall advise the applicant of the number of extra officers required, the hours they will be assigned to the event and the total costs for such service. The applicant shall prepay the law enforcement/traffic control fees prior to the event. Police personnel assigned to special events are City employees while so engaged and are under the sole direction of the Chief of Police.
- C. Each application for a permit shall be accompanied by a nonrefundable application fee set forth in the Master Fee Schedule.

#### SECTION 5. CONTENTS OF APPLICATION FORM.

The application for a special event shall provide the following information:

A. All Events:

The name, address, telephone number, and date of birth of applicant and an alternative contact person. If the special event is proposed to be sponsored by one or more organizations, the name, address and telephone number of the organizations, and the president(s) of the organization. If requested by the Chief of Police, written authorization to apply for the special event shall be provided by an officer of the requesting organization.

- B. The name, address and telephone number of the person who will be present and in charge at the time of the special event.
- C. The nature and purpose of the event.
- D. The proposed date, location and estimated starting and ending time of the event.
- E. Estimated number of persons anticipated at the event.
- F. Description of any sound amplification equipment which will be used at the event.
- G. Whether any food or alcoholic and/or non alcoholic beverages will be sold at the event.

April 7, 1987



H. Whether monitors or security persons will be utilized at the event.

I. Parking contingencies planned for the event.

J. Any supplementary information which the Chief of Police shall find reasonably necessary, under the particular circumstances of the special event application to determine whether to approve or conditionally approve the permit.

#### SECTION 6. ACTION ON APPLICATION.

A. The Chief of Police shall approve, conditionally approve, or deny an application for the grounds specified in Section 8. Such action shall be taken not later than thirty (30) days after the filing of a complete application. The applicant shall be notified of any conditions at the time the action on the application is taken.

B. If the application is denied or conditionally approved, at the time of taking action on the application, the Chief of Police shall inform the applicant in writing of the grounds for denial, or of the reason for the imposition of conditions.

C. If the Chief of Police relied upon information regarding the event other than that which was contained in the application, he or she shall inform the applicant of the additional information considered.

#### SECTION 7. GROUNDS FOR DENIAL OF APPLICATION.

A. Permits for special events will be granted at the discretion of the Chief of Police.

B. Extraordinary police services will be provided at the discretion of the Chief of Police. The Chief of Police may disapprove an application for extraordinary police services after a consideration of the application and a determination that:

1. Information contained in the application, or supplementary information requested from the applicant, is false in any material detail; or

April 7, 1987



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- The applicant has failed to provide a complete application form after having been notified of the requirement of producing additional information or documents; or
3. Another complete special event application has been previously filed for a different event at the same time and place requested by the applicant, or so close in time and place as to cause traffic congestion or a demand for police services which the Police Department is unable to meet; or
4. The time or size of the event will substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic in the immediate vicinity of the event, or disrupt the use of a street at a time when it is usually subject to great traffic congestion; or
5. The concentration of persons, animals and vehicles at the site of the event will prevent proper police, fire, ambulance, or other essential public services to areas contiguous to the event; or
6. The size or duration of the event will require diversion of so great an amount of City police services that providing for the minimum level of police services to other areas of the City of Oakland is jeopardized; or
7. The event will substantially interfere with any construction of maintenance work scheduled to take place upon or along the City streets, or a previously-granted encroachment permit; or
8. The event will occur at a time and place where the noise created by the activities of the event will substantially disturb or disrupt the activities of such institutions as schools and hospitals; or
9. Sponsors have failed to pay the City for previous special events or parade costs.

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